

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NELSON A. MORILLO

Plaintiff,

vs.

THE SCHOCHET COMPANIES

Defendant.

Civil Action No. 14-cv-40098

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(d)**

In accordance with Rule 16(b) of the Federal Rules of Civil Procedure, Local Rule 16.1, and this Court's Notice of Scheduling Conference, Plaintiff Nelson A. Morillo and Defendant Federal Management Co., Inc. d/b/a The Schochet Companies submit the following Joint Statement. Certifications required by Local Rule 16.1(D)(3) will be filed separately.

**Proposed Timetable for Discovery and Motion Practice**

1. **Initial Disclosures.** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by January 5, 2015.
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after January 30, 2015.
3. **Fact Discovery - Interim Deadlines.**
  - a. All requests for production of documents and interrogatories must be served by May 29, 2015.
  - b. All requests for admission, except for ones to authenticate documents, must be served by July 31, 2015.
  - c. All depositions, other than expert depositions, must be completed by August 28, 2015.
4. **Fact Discovery - Final Deadline.** All discovery, other than expert discovery, must be completed by August 28, 2015.

5. **Case Management Conference.** A case management conference will be held on a date to be determined by the Court . At the conference, among other things, the court will address whether it is appropriate to schedule a separate settlement conference, pursuant to Local Rule 16.1(F)(7).

6. **Dispositive motions.** Dispositive motions must be filed no later than October 2, 2015. Opposition to any dispositive motions shall be filed by October 30, 2015. The deadline for any reply briefs shall comply with the applicable Federal Rules of Civil Procedure and Local Rules.

7. **Expert discovery**

- (a) if no Rule 56 motion is filed: Plaintiff's expert disclosure by October 30, 2015. Defendants' expert disclosure by December 4, 2015. All expert discovery, including depositions, completed by December 31, 2015.
- (b) if Rule 56 motion is filed, either pursuant to further scheduling by court after a status conference: Plaintiff's expert disclosure within 30 days after ruling on Rule 56 motion; Defendants' expert disclosure within 30 days after Plaintiff's disclosure; All expert discovery, including depositions, completed within 30 days after Defendants' disclosure of expert witnesses.

**Electronic Discovery**

The parties agree that

- electronically stored information ("ESI") should generally remain in an electronic format throughout the discovery process, from preservation and collection through production.
- ESI will be produced electronically, rather than converting it to paper, and will produce it as a single page tiff with images with document level OCR/text extraction.
- they will also produce ESI in .pdf form if requested by the receiving party.
- they will take reasonable measures to preserve repositories of ESI that they control if those repositories are believed to contain potentially responsive ESI.
- ediscovery in this case will be limited to traditional active-file ediscovery, which involves collecting and processing active electronic documents located on desktops, laptops, servers, and local digital storage devices.
- They will not be obligated to conduct forensic preservation and analysis of digital storage devices, or restoration of archived repositories such as backup tapes, unless a specific showing is made of need.

**Certifications**

The parties will file their respective certifications pursuant to Local Rule 16.1(d)(3) under separate cover on or before the Scheduling Conference.

PLAINTIFF NELSON A. MORILLO  
By His Attorney,

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Dated: December \_\_, 2014